



NORTH CAROLINA LAW REVIEW

Volume 38 | Number 1

Article 2

12-1-1959

Articles\Authors of Articles\Book Reviews- Authors\Book Reviews-Reviewers\Subject Index

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

North Carolina Law Review, *Articles\Authors of Articles\Book Reviews-Authors\Book Reviews-Reviewers\Subject Index*, 38 N.C. L. REV. (1959).

Available at: <http://scholarship.law.unc.edu/nclr/vol38/iss1/2>

This Index is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

INDEX TO VOLUME 38, 1959-1960

ARTICLES

	PAGE
At Sea With the United States Supreme Court.....	307
Congressional Regulation of State Taxation of Interstate Commerce.....	119
John Johnston Parker 1885-1958.....	299
Milk Control Laws in the United States.....	419
The Problem of Family Support: Criminal Sanctions for the Enforcement of Support.....	1

AUTHORS OF ARTICLES

Baer, Herbert R., <i>At Sea With the United States Supreme Court</i>	307
Jones, Sybil M., <i>The Problem of Family Support: Criminal Sanctions for the Enforcement of Support</i>	1
Mangum, Charles B., Jr., <i>Milk Control Laws in the United States</i>	419
Medina, Harold R., <i>John Johnston Parker 1885-1958</i>	299
Mickey, Paul F., <i>Congressional Regulation of State Taxation of Interstate Commerce</i>	119
Mickum, George B., III, <i>Congressional Regulation of State Taxation of Interstate Commerce</i>	119

BOOK REVIEWS—AUTHORS

Buckholz, Bernard, <i>Delay in the Court</i>	658
Bureau of National Affairs, <i>The Labor Reform Law</i>	296
Falk, Harry W., Jr., <i>Timber and Forest Products Law</i>	115
Kalven, Harry, Jr., <i>Delay in the Court</i>	658
Schmidhauser, Paul, <i>The Supreme Court as the Final Arbiter in Federal-State Relations</i>	414
Taggart, Herbert F., <i>Cost Justification</i>	412
Van Hecke, Maurice T., <i>Cases and Materials on Equitable Remedies</i>	116
Zeisel, Hans, <i>Delay in the Court</i>	658

BOOK REVIEWS—REVIEWERS

Ball, Clyde L., <i>Delay in the Court</i>	658
Fraser, George B., <i>Cases and Materials on Equitable Remedies</i>	116
Gaitanis, Louis A., <i>Timber and Forest Products Law</i>	115
Gressman, Eugene, <i>The Supreme Court as the Final Arbiter in Federal-State Relations</i>	414
Van Hecke, Maurice T., <i>The Labor Reform Law</i>	296
Whitney, Simon N., <i>Cost Justification</i>	112

SUBJECT INDEX

Accord and Satisfaction (See Contracts)

Administrative Law

Delegation of legislative power—"Point system" of driver's license suspension.....	100
Delegation of non-judicial duties to the superior courts.....	380
Delegation of rate making authority.....	529
Milk control laws.....	419
N.C. 1959 Session Laws—Administrative Law.....	154
Atomic energy and radioactivity—use and control.....	154
Board of sanitary examiners.....	156
Rate making.....	579
Survey of N.C. Case Law—Administrative Law.....	507
Pleading and evidence in administrative hearings.....	507

	PAGE
Unconstitutional delegation of legislative power.....	507
Tort claims act—the state as a joint tortfeasor.....	607
Administration of Estates (See Executors and Administrators)	
Admiralty	
At sea with the United States Supreme Court—a survey of	
admiralty personal injury and death cases.....	308
Last clear chance in collision.....	77
Agency	
Family purpose doctrine—wife's liability for husband's negligence.....	249
Survey of N.C. Case Law—Agency (and Workmen's Compensation).....	508
Agency	
"Employee" under state tort claims act.....	508
Family purpose doctrine.....	510
Proof of ownership and agency.....	509
Atomic Energy	
N.C. Atomic Energy Advisory Committee.....	154
Attorneys	
N.C. 1959 Session Laws.....	156
Fees	156
Automobiles (See also Torts)	
Family purpose doctrine—wife's liability for husband's negligence.....	249
Insurance (See Insurance)	
N.C. 1959 Session Laws—Motor Vehicles.....	200
"Point system" of driver's license suspension.....	200
Rules of the road violations as negligence.....	205
"Point system" of driver's license suspension.....	507, 530
Proof of ownership and agency.....	509
Speed limits.....	546
Bankruptcy	
Survival of liability for willful and malicious injury.....	384
Banks and Banking (See Negotiable Instruments)	
Business Associations	
Corporate existence—retroactive application of curative statute.....	270
N.C. 1959 Session Laws—Corporations.....	159
Conversion to non-profit corporation.....	164
Protection of the "incorporated partnership".....	159
Reduction of stockholder control.....	161
Reincorporation after forfeiture of charter.....	164
Settlement of stockholders' action as res judicata.....	391
Settlement of stockholders' derivative actions.....	391
Survey of N.C. Case Law—Business Associations.....	514
Corporations	514
Effect of dissolution.....	514
Jurisdiction over internal affairs of foreign corporations.....	515
Separate entity.....	517
Ultra vires acts.....	518
Compromise and Settlement	
Liability carrier's settlement as a bar to insured's suit.....	81
Constitutional Law	
Delegation of legislative authority—validity prefaced on executive	
officer's opinion as to question of law.....	216
Delegation of legislative power—"point system" of	
driver's license suspension.....	200
Delegation of non-judicial duties to the superior courts.....	380
Denial of confrontation to witnesses in loyalty-security hearings.....	253
Due process—denial of confrontation to witnesses	
in loyalty-security hearings.....	253
Due process—right to counsel before trial.....	630
Foreign relations power.....	260

	PAGE
Obscenity statutes—scienter as an element.....	634
Regulation of milk industry.....	419
Retroactive application of curative statute affecting corporate existence.....	270
Right to counsel before trial.....	630
Right to travel and area restrictions.....	260
State taxation of interstate commerce—congressional regulation.....	119
Survey of N.C. Case Law—Constitutional Law.....	529
Delegation of authority	
Driver's license revocation.....	530
Right of milk commission to set rates.....	529
Due Process	
Right of confrontation.....	532
Right to prepare for trial.....	533
Systematic exclusion of Negroes from grand jury.....	534
Eminent domain	
Diversion of waters.....	535
Freedom of speech and assembly	
Conflict with state's interest in preserving order.....	537
Police power	
Regulation for aesthetic purposes.....	536
Separation of powers	
Issuing of warrants by recorder's court solicitor.....	531
Warrant issued by recorder's court solicitor.....	551
Contracts	
Mistake	559
Money had and received.....	560
Parol evidence rule.....	543
Survey of N.C. Case Law—Contracts.....	539
Accord and satisfaction.....	539
Contracts of employment.....	540
Parol evidence rule.....	540
Conveyances (See Property)	
Corporations (See Business Associations)	
Covenants	
Covenants not to compete.....	395
Credit Transactions	
Note of third person as payment of original note.....	557
Parol evidence to vary terms of loan.....	540
N.C. 1959 Session Laws—Credit Transactions	
Defenses of debtor made available to surety.....	167
Subrogation of paying surety to obligation paid.....	168
Usurious loans—relief against enforcement of security.....	168
Usury—criminal penalty.....	169
N.C. 1959 Session Laws—Mortgages	
Registration of mortgages and deeds of trust on	
leaseholds and chattels real.....	200
Survey of N.C. Case Law—Credit Transactions.....	542
Inadmissibility of contemporaneous parol agreement	
to vary terms of loan.....	543
Inapplicability of deficiency judgment statute to	
action on an unsecured note.....	546
Service on remaindermen in foreclosure action.....	542
Substituted note as payment of original note.....	544
Substitution of parties in confirmation proceedings.....	542
Criminal Law and Procedure	
Abandonment and nonsupport—criminal sanctions to enforce support.....	1
Death penalty—prosecution's mention of death penalty before jury.....	281
Grand jury—systematic exclusion of Negroes.....	534
Inciting to riot.....	274
N.C. 1959 Session Laws—Criminal Law.....	170
Bomb hoaxes.....	171

	PAGE
Consumption of alcohol on premises of one licensed to sell beer or wine.....	172
Larceny by breaking and entering.....	170
Litter and junk yard law.....	173
Purchase of beer or wine by minors.....	172
Telephone threats and abuse.....	173
Unlawful burnings.....	172
N.C. 1959 Session Laws—Criminal Procedure	
Extradition.....	174
Suspended sentence appeals.....	174
Venue of post-conviction proceedings.....	175
Right of confrontation.....	532
Right to counsel before trial.....	630
Right to prepare for trial.....	533
Search warrants—requirements of warrants for liquor possessed for purpose of sale.....	277
Survey of N.C. Case Law—Criminal Law and Procedure.....	546
Criminal Law.....	546
Aiding and abetting.....	546
Conspiracy.....	549
Illegal possession of liquor.....	550
Inciting to riot.....	550
Motor vehicles.....	546
Self-defense.....	548
Criminal Procedure.....	551
Arrest.....	551
Concurrent jurisdiction.....	554
Prosecution's mention of death penalty before jury.....	555
Sentencing problems.....	553
Warrants and indictments.....	551
Usury.....	169
Waiver of indictment when offense charged under Lindberg Act.....	84
Warrants issued by recorder's court solicitor.....	531
Damages	
Eminent domain—interest as an element of just compensation.....	89
Pain and suffering—per diem argument to jury.....	289
Survey of N.C. Case Law—Damages	
Eminent domain—interest on the judgment.....	555
Deeds (See Property)	
Divorce (See Domestic Relations)	
Domestic Relations	
Dower in remainder in fee.....	589
Estates by the entirety.....	587
Family support—criminal sanctions for the enforcement of support.....	1
N.C. 1959 Session Laws—Divorce	
Residence requirements for servicemen.....	176
N.C. 1959 Session Laws—Husband and Wife	
Conveyances of spouse after deed of separation.....	194
Privy examinations.....	195
Parents' liability for tort of child.....	605
Survey of N.C. Case Law—Domestic Relations.....	555
Deed by wife of entireties property to third party— title by estoppel.....	557
Deed by wife to husband by way of third party.....	557
Marriage health certificate.....	558
Parents' liability for torts of their child.....	555
Paternity of after-born child.....	559
Elections	
N.C. 1959 Session Laws	
Certifying results of elections.....	188
Notices of candidacy in party primary	
Death of candidate after notice but before primary.....	187

	PAGE
Filing time	187
Pledge of party loyalty.....	188
Primary elections—determination of winner.....	190
Qualifications to register.....	187
Eminent Domain	
Condemnation for roads and highways.....	218
Diversion of waters.....	535
Fee simple by eminent domain.....	219
Interest as an element of just compensation.....	89
Equitable Remedies	
Survey of N.C. Case Law—Equitable Remedies.....	559
Mistake	559
Money had and received.....	560
Estate Planning	
Estate and gift taxation—grantor as life beneficiary of discretionary trust..	638
Evidence	
N.C. 1959 Session Laws—Evidence	
Priest and penitent privilege.....	190
Proof of municipal ordinances.....	191
Parol evidence—admissibility of contemporaneous parol	
agreement to vary terms of loan.....	540, 543
Survey of N.C. Case Law—Evidence.....	562
Dead man's statute.....	567
Definiteness of medical testimony.....	567
Identification of Antiphonal party.....	564
Relevancy of injuries to third parties in prosecution	
for driving while intoxicated.....	565
Specific acts of unchastity of prosecutrix in rape prosecution.....	562
Executors and Administrators	
N.C. 1959 Session Laws—Wills and Administration	
Exercise of powers by joint personal representatives.....	240
Fireman's Pension Fund.....	192
Grand Jury (See Criminal Law and Procedure)	
Highways	
Highway legislation—financing	213
N.C. 1959 Session Laws—Roads and Highways	
Condemnation	217
Fee simple by eminent domain.....	219
Husband and Wife (See Domestic Relations)	
Indictment and Information (See Criminal Law and Procedure)	
Insurance	
Insurer's liability for death or loss resulting from violation of law.....	93
Liability carrier's settlement as a bar to insured's suit.....	81
Partially subrogated insurer's standing to sue.....	99
Survey of N.C. Case Law—Insurance.....	568
Automobile Insurance	
Liability	568
Settlement by insurer.....	570
Subrogation of paying insurer.....	570
Life Insurance	
Death on premium due date.....	571
Payment of premium as creating lien on policy.....	571
Intoxicating Liquor (See Criminal Law)	
Jurisdiction	
Jurisdiction in abandonment and nonsupport cases.....	43

	PAGE
Labor	
N.C. 1959 Session Laws—Labor Law	
Minimum wages	196
Public employees and unions.....	198
Service of process on non-resident labor unions.....	615
Survey of N.C. Case Law—Labor Law	
Union's liability to member for failure to seek judicial enforcement of reinstatement order.....	572
Landlord and Tenant	
Liability of Landlord for personal injuries caused by his failure to repair...	403
Law School, U.N.C.	
Annual Report	62
Milk	
Milk Control	419
Mortgages (See Credit Transactions and Property)	
Motor Vehicles (See Automobiles)	
Municipal Corporations	
Abandonment of real property.....	582
Dedication	584
Drainage districts	238
N.C. 1959 Session Laws—Municipal Corporations.....	208
Annexation	210
Emergency relocation of government.....	213
Finance of highway construction.....	212
Planning and zoning.....	208
Survey of N.C. Case Law—Municipal Corporations.....	574
Dedication	574
Zoning—statutes and ordinances construed.....	574
Negligence (See Torts)	
Negotiable Instruments	
Collecting bank as holder in due course.....	621
Survey of N.C. Case Law—Negotiable Instruments.....	577
Bank as "owner" of deposited paper.....	578
Note of third person as payment of original note.....	577
Parent and Child (See Domestic Relations)	
Practice and Procedure	
Arguing per diem recovery for pain and suffering to the jury.....	289
N.C. 1959 Session Laws—Trial and Appellate Practice	
Application for continuance.....	230
Dismissal of appeals.....	230
Effect of motion for nonsuit on counterclaim.....	231
Partially subrogated insurer's standing to sue.....	99
Possessory writs	589
Real party in interest in estate tax cases.....	594
Substitution of parties in confirmation proceedings.....	542
Survey of N.C. Case Law—Civil Procedure (Pleading and Parties).....	518
Pleading	
Amendment	518
Burden of proof.....	520
Counterclaim	520
Demurrer	522
Joinder of causes and parties.....	523
Judgment on the pleadings.....	523
Prior action pending.....	524
Reply	524
Res judicata	525
Ultimate facts	526
Variance	527

	PAGE
Parties	
Necessary parties	527
Real party in interest.....	527
Third party practice.....	529
Survey of N.C. Case Law—Trial Practice.....	613
Process	613
Service of process on non-resident labor unions.....	615
Virtual representation of members of a class not in esse.....	542
Wrongful execution	579
Property	
Dedication	574
Deed by wife of entireties property to third party—title by estoppel.....	557
Deed by wife to husband by way of third party.....	557
Landlord's liability for personal injuries caused by his failure to repair.....	403
N.C. 1959 Session Laws—Conveyances	
Deeds of realty by governmental units by private sale—curative legislation	165
Registration of conveyances of land.....	166
N.C. 1959 Session Laws—Mortgages	
Registration of mortgages and deeds of trust on leaseholds and chattels real.....	200
N.C. 1959 Session Laws—Property	
Lis pendens	214
Proof of title to real property.....	214
Property rights of aliens.....	215
State lands	220
N.C. 1959 Session Laws—Uniform Vendor and Purchaser Risk Act.....	233
Survey of N. C. Case Law—Personal Property.....	578
Ownership of United States savings bonds.....	578
Wrongful execution	579
Survey of N.C. Case Law—Real Property.....	582
Abandonment	582
Betterments	583
Dedication	584
Deeds	
Boundaries	585
Delivery	586
Exchange of deeds by tenants in common.....	585
Dower in remainder in fee.....	589
Estates by the entirety.....	587
Possessory writs	589
Public Health and Welfare	
Board of Sanitary Examiners.....	156
N.C. 1959 Session Laws—Public Welfare	
Delegation of legislative authority.....	216
Public Utilities	
Survey of N.C. Case Law—Public Utilities.....	579
Common carriers	582
Rate making	579
Recording and Registry Laws (See Property and Credit Transactions)	
Sales	
Survey of N.C. Case Law—Sales	
Implied warranties	590
Search and Seizure (See Criminal Law and Procedure)	
State Lands	
N.C. 1959 Session Laws—State Lands.....	220
Suretyship and Guaranty (See Credit Transactions)	

	PAGE
Taxation	
Congressional regulation of state taxation of interstate commerce.....	119
Estate and gift taxation—grantor as life beneficiary of discretionary trust..	638
N.C. 1959 Session Laws—Taxation	
Inheritance tax	
Annuities	220
Property tax	
Assessment standards	224
Exemptions	226
Real property valuations.....	224
Survey of N.C. Case Law—Taxation.....	592
Income tax	
Loss carryover	592
Procedure	
Period of limitations on refund.....	595
Real party in interest.....	594
Sales tax	596
Torts	
Insulating negligence in North Carolina.....	104
Landlord's liability for personal injuries caused by his failure to repair....	403
Parents' liability for torts of their child.....	555
Rules of the road violations as negligence.....	205
Survey of N.C. Case Law—Torts.....	597
Malicious interference with contractual relations.....	612
Malicious prosecution	611
Negligence	
Attractive nuisance doctrine.....	603
Effect of removal of stop signs by vandals.....	599
Insulating negligence	597
Liability of parents for tort of child.....	605
Manufacturer's liability—defective machinery.....	605
Owners and occupiers of land.....	601
Proximate cause	601
Speed exemption statute.....	599
Unexplained automobile accident.....	600
Tort claims act	
The state as a joint tortfeasor.....	607
Trespass	610
Trade Regulation	
Covenants not to compete.....	395
Trusts	
Grantor as life beneficiary of discretionary trust—	
estate and gift tax consequences.....	638
Resulting or constructive trust.....	111
Survey of N.C. Case Law—Trusts.....	617
Power of trustee to convey.....	617
Resulting trusts	617
United States Savings Bonds—resulting or constructive	
trust in the hands of surviving co-owner.....	111
Unemployment Compensation	
N.C. 1959 Session Laws—Unemployment compensation.....	231
Agricultural labor	231
Appeals	233
Extended benefits	232
Partial unemployment	232
Penalties	233
Warrants (See Criminal Law and Procedure)	
Water and Water Courses	
N.C. 1959 Session Laws—Water and Water Courses.....	235
Drainage districts	238
Watershed improvement districts.....	235

	PAGE
Watercraft Regulation	
N.C. 1959 Session Laws—Watercraft Regulation	
Motorboat regulation	239
Wills (See also Executors and Administrators)	
Survey of N.C. Case Law—Wills.....	618
After-born child	618
Son's adopted child as grandchild.....	619
Witnesses (See Evidence)	
Workmen's Compensation	
N.C. 1959 Session Laws—Workmen's Compensation	
Coverage of local officials.....	241
Medical examinations	242
Third-party actions	242
Survey of N.C. Case Law—(Agency and) Workmen's Compensation.....	510
Accident on the employer's premises.....	510
Injury by accident.....	511
Neutral risks	512
Occupational diseases	513
The dual purpose doctrine.....	511
Zoning (See Municipal Corporations)	